# HIGH COURT OF JUDICATURE FOR RAJASTHAN
# AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 2087/2025
CNR: RJHC010253052025
URN: CRLMP / 3630U / 2025

1. Ajay Arya S/o Lajpat, Aged About 27 Years, R/o 24 Ambika City Police Station Sadar Dist. Shriganganagar.
2. Shourabh Chawla S/o Ramesh Kumar, Aged About 35 Years, R/o Chunaveda Dist. Shriganganagar.
3. Saloni Chawla W/o Shourabh Chawla, Aged About 30 Years, R/o Chunaveda, Dist. Shriganganagar.
4. Karamjeet Singh S/o Malkeet Singh, Aged About 28 Years, R/o Kaliya Dist. Shriganganagar.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Subhas Chandra S/o Not Known, R/o Sho Ps Sadar Dist. Shriganganagar.

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 2478/2025
CNR: RJHC010291442025
URN: CRLMP / 4211U / 2025

1. Manish Yadav S/o Dev Raj Yadav, Aged About 30 Years, R/o Ward No. 13, 6 F Bada, Dist. Ganganagar.
2. Prmod Yadav S/o Devraj Yadav, Aged About 27 Years, R/o Chak 6F 2Nd 6F Dist. Sriganganagar.
3. Bhajanlal S/o Hariram, Aged About 31 Years, R/o Ward No. 01, Near B R Public School, Dist. Ganganagar.
4. Satpal S/o Prem Kumar, Aged About 38 Years, R/o Waryam Khera, Dist. Firozpur Punjab.
5. Rajindra Singh S/o Pram Kumar, Aged About 32 Years, R/o Waryam Khera, Dist. Firozpur Punjab.
6. Baljeet Singh S/o Gurcharan Singh, Aged About 49 Years, R/o Shergarh, Dist. Firozpur Punjab.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Subhash Chandra S/o Unknown, Sho Ps Sadar Dist. Sriganganagar.

----Respondents

S.B. Criminal Miscellaneous (Petition) No. 4306/2025
CNR: RJHC010484122025
URN: CRLMP / 7474U / 2025

1. Lajpat S/o Sh. Chunnilal, Aged About 52 Years, R/o 24, Ambika City 2, Sri Ganganagar, Sadar Ganganagar, Ganganagar, Rajasthan.p
2. Deepak S/o Sh. Lajpat, Aged About 30 Years, R/o 24, Ambika City 2, Sri Ganganagar, Sadar Ganganagar, Ganganagar, Rajasthan.

----Petitioners

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

| | | |
|---|---|---|
| For Petitioner(s) | : | Mr. Madhav Vyas<br>Mr. S.K. Bhati |
| For Respondent(s) | : | Mr. Vikram Rajpurohit, PP<br>Mr. Shiv Singh |

**HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**

**Order**

**Reportable**

**16/07/2026**

**1.** The present criminal miscellaneous petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), seeking quashing of FIR No.46/2025 registered at Police Station Sadar Ganganagar, District Sri Ganganagar for the offences under Sections 111(2)(b), 111(3), 111(4), 111(6), 317(2), 317(5), 318(4) and 61(2)(b) of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"), along with Sections 66-C and 66-D of the Information Technology Act, 2000.

**2.** Learned counsel for the petitioners submits that the impugned FIR is wholly unsustainable in law, being a second FIR in respect of the very same transaction. It is contended that an earlier FIR bearing No.38/2025 had already been registered at Police Station Purani Abadi for the offences under Sections 420, 406 and 120-B IPC on substantially the same allegations and therefore, registration of the present FIR No.46/2025 is impermissible. It is further submitted that the present FIR is merely an offshoot of the investigation conducted in the earlier FIR and does not disclose any fresh or independent transaction warranting registration of a separate FIR.

**3.** Learned counsel further submits that the alleged occurrence pertains to the year 2023, and therefore invocation of the provisions of the BNS, which came into force subsequently, is ex facie illegal. It is also contended that mere recovery of ATM cards, laptops, computers, mobile phones or other articles from the possession of the petitioners, even if accepted on its face value, does not satisfy the ingredients of organised crime punishable under Section 111 BNS. On these grounds, quashing of the impugned FIR and all consequential proceedings has been prayed for.

**4.** Learned counsel for the petitioners has placed reliance upon the judgment of the Hon'ble Supreme Court in **T.T. Antony v. State of Kerala reported in (2001) 6 SCC 181**, contending that registration of a second FIR in respect of the same incident or transaction is impermissible in law and amounts to an abuse of the process of investigation.

**5.** Learned Public Prosecutor has opposed the petition. The case diary has been produced before the Court along with the factual report concerning the investigation. Reply to the petition has also been filed by the State. The same are taken on record.

**6.** Learned Public Prosecutor submits that the earlier FIR No.38/2025 was lodged at the instance of a private complainant alleging that he had been cheated of a substantial amount of money, whereupon offences under Sections 420, 406 and 120-B IPC were registered. During investigation, however, it was found that the occurrence forming the subject matter of the said complaint had taken place outside the territorial jurisdiction of the concerned Police Station and accordingly a Final Report came to be submitted.

**7.** It is submitted that the present FIR stands on an entirely different footing. During the course of investigation, a search was conducted at the premises of the petitioners and several articles, including cash, numerous ATM cards, laptops, rubber stamps, cheque books, computers, mobile phones and property-related documents, were recovered. During further investigation, various bank accounts and mobile numbers associated with the petitioners were allegedly found linked with a large number of cyber-fraud complaints.

**8.** Learned Public Prosecutor submits that the material so discovered disclosed allegations extending far beyond the individual transaction forming the subject matter of FIR No.38/2025 and indicated the petitioners' alleged involvement in organised cyber-fraud activities. It was in the backdrop of such material that the present FIR came to be registered. Thus, according to the State, the present FIR relates to distinct and substantially wider criminal activity and cannot be termed a second FIR in respect of the same transaction.

**9.** Heard learned counsel for the parties and perused the material available on record, including the case diary produced before the Court.

**10.** The material collected during investigation prima facie reveals that the petitioners were allegedly engaged in Forex trading through their company, Cappmorefx. It is alleged that persons were induced to invest substantial amounts on the representation that such investments would yield high returns and substantial profits. The amounts so received were allegedly routed through different fake firms and bank accounts and thereafter withdrawn.

**11.** The investigation further indicates allegations relating to transactions in virtual currency/USDT. The petitioners are alleged to have been engaged in purchase and sale of Forex/USDT through different persons and by using online platforms, including Telegram. The proceeds of the alleged fraudulent transactions were allegedly routed through cash transactions and different bank accounts and were thereafter utilised, inter alia, for acquisition of properties in the names of the petitioners and their family members.

**12.** More significantly, according to the investigation, various bank accounts and mobile numbers associated with the petitioners were found linked with numerous cyber-fraud complaints. The material placed before the Court indicates allegations of victims having been cheated through different modes and methods. Apart from inducement of persons to invest substantial amounts under the guise of Forex trading through Cappmorefx, allegations regarding cheating of unemployed persons on the pretext of providing employment and other fraudulent transactions have also surfaced during investigation. During the search conducted at the residential premises of the accused, cash, ATM cards, property documents and other articles were recovered. Proceedings under Section 107 BNSS have also been initiated in respect of properties alleged to have been acquired from the proceeds of crime.

**13.** The first question which arises for consideration is whether FIR No.46/2025 is liable to be quashed merely because the material which led to its registration surfaced during investigation of the earlier FIR No.38/2025.

**14.** The law in regard to registration of a second FIR is well settled. There cannot ordinarily be a second FIR in relation to the same incident, occurrence or transaction merely on the basis of further information received during investigation. The Court is required to examine whether the two FIRs relate to the same occurrence or to different incidents or transactions. Where the subsequent information merely relates to further material concerning the very same transaction, it is ordinarily required to be investigated as part of the first FIR. Conversely, where the subsequent information discloses a distinct incident or criminal activity which does not form part of the same transaction, registration of a separate FIR is not prohibited.

**15.** The Hon'ble Apex Court in the case of **State of Rajasthan versus Surendra Singh Rathore** reported in **2025 INSC 248**, while considering its earlier decisions in **T.T. Antony v. State of Kerala reported in (2001) 6 SCC 181, Anju Chaudhary v. State of U.P., (2013) 6 SCC 384, Kari Choudhary v. Sita Devi, (2002) 1 SCC 714, Upkar Singh v. Ved Prakash, (2004) 13 SCC 292, Babubhai v. State of Gujarat, (2010) 12 SCC 254, and Nirmal Singh Kahlon v. State of Punjab, (2009) 1 SCC 441,** has clearly held that where the subsequent information discloses a distinct incident or criminal activity, the scope and ambit of the two FIRs are different, or the subsequent FIR reveals a larger conspiracy, registration of the second FIR is legally permissible. The relevant observations contained in paragraphs 9 to 9.5 of the said judgment are reproduced hereunder:

> "9. From the above conspectus of judgments, inter alia, the following principles emerge regarding the permissibility of the registration of a second FIR:
>
> 9.1 When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered.
>
> 9.2 When the ambit of the two FIRs is different even though they may arise from the same set of circumstances.
>
> 9.3 When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy.
>
> 9.4 When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances.
>
> 9.5 Where the incident is separate; offences are similar or different."

**16.** In the present case, FIR No.38/2025 arose out of an individual complaint alleging cheating of a particular complainant. The scope of the present FIR, however, is substantially different. The material collected during investigation prima facie discloses allegations concerning operation of several bank accounts, Forex/ USDT transactions, linkage of bank accounts and mobile numbers with numerous cyber-fraud complaints, inducement of several persons to make investments, other modes of alleged cheating and acquisition of properties from the alleged proceeds thereof.

**17.** Thus, the nature and scope of the allegations forming the subject matter of the present FIR are *prima facie* materially wider and distinct from the individual transaction which formed the basis of FIR No.38/2025. The investigation revealed that the earlier FIR to be a part of a larger conspiracy regarding Cyber fraud. Mere circumstance that the material leading to registration of the present FIR surfaced during investigation of the earlier FIR would not, by itself, render the subsequent FIR impermissible. What is material is the nature of the criminal activity disclosed by such material and whether it constitutes part of the same transaction.

**18.** Upon consideration of the allegations and the material presently available, this Court is unable to hold, at this stage, that both FIRs relate to one and the same transaction so as to render FIR No.46/2025 impermissible in law. The contention of the petitioners that the present FIR is liable to be quashed merely because it originated from material recovered during investigation of FIR No.38/2025 is, therefore, not acceptable.

**19.** The next contention of learned counsel for the petitioners is that the allegations in the earlier FIR relate to the year 2023, and since the present FIR has arisen out of the investigation of that FIR, the provisions of the BNS cannot be invoked.

**20.** The contention cannot be accepted at this stage. As noticed above, the present FIR is not confined to the transaction forming the subject matter of the earlier FIR. During investigation, further material was recovered which prima facie disclosed allegations of wider and distinct criminal activities involving several bank accounts, cyber-fraud complaints and other transactions. Therefore, merely because such material came to light during investigation of an FIR relating to the year 2023 would not, by itself, make the provisions of the BNS inapplicable.

**21.** The applicability of the BNS would depend upon when the acts constituting the offences alleged in the present FIR were committed. The same can be determined on the basis of the material collected during investigation. Thus, at this stage the present FIR cannot be quashed merely on the ground that the earlier FIR related to a transaction of the year 2023.

**22.** So far as the applicability of Section 111 BNS is concerned, learned counsel for the petitioners contends that mere recovery of electronic devices, ATM cards, cheque books and other articles would not constitute an offence of organised crime.

**23.** There can be no dispute that mere recovery of such articles, by itself, would not satisfy the ingredients of Section 111 BNS. However, the prosecution case is not based on the recoveries alone. The investigation has also revealed numerous bank accounts and mobile numbers allegedly linked with cyber-fraud complaints, inducement of several persons to make investments, Forex/USDT transactions, routing of the alleged proceeds through different accounts and acquisition of properties therefrom.

**24.** Whether the material collected during investigation ultimately satisfies all the ingredients of Section 111 BNS, including those relating to continuing unlawful activity, is a matter to be examined on completion of investigation. At this stage, the Court is not required to undertake a detailed examination of the evidence. In any case, the FIR cannot be quashed merely on the ground that a particular penal provision may ultimately not be attracted, when the allegations otherwise prima facie disclose cognizable offences requiring investigation.

**25.** The principles governing the exercise of inherent powers for quashing criminal proceedings at the stage of investigation are no longer *res integra*.

**26.** The Hon'ble Supreme Court in **M/s Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021) 10 SCC 118**, after considering the entire jurisprudence on the subject, authoritatively summarised the governing principles in paragraph 80 of the judgment and held that where the allegations in the FIR and the material collected during investigation prima facie disclose the commission of a cognizable offence, the High Court ought not to embark upon an appreciation of the evidence or adjudicate the correctness of the allegations while exercising its inherent jurisdiction. Ordinarily, the investigation should be permitted to proceed unless the case falls within the well-recognised exceptional categories. The relevant observations are reproduced hereunder:-

> **"(ii)** The Court should not thwart any investigation into the cognizable offences;

> **(iv)** The power of quashing should be exercised sparingly with circumspection, in the rarest of rare cases;
>
> **(vii)** Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
>
> **(x)** Save in exceptional cases where non-interference would result in miscarriage of justice, the Courts and the judicial process should not interfere at the stage of investigation;
>
> **(xii)** The first information report is not an encyclopaedia and the police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated;
>
> **(xiv)** However, at the same time, if the Court thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of *R.P. Kapur* and *Bhajan Lal*, the Court has jurisdiction to quash the FIR/complaint;
>
> **(xv)** When a prayer for quashing the FIR is made, the Court has only to consider whether the allegations disclose the commission of a cognizable offence. The Court is not required to consider the merits of the allegations or whether the allegations are likely to be proved.

**27.** The Hon'ble Supreme Court has, inter alia, held that the Court should not thwart investigation into cognizable offences, and the Court is principally concerned with whether the allegations disclose commission of a cognizable offence and is not required to adjudicate whether such allegations would ultimately result in conviction.

**28.** Tested on the aforesaid principles, the material presently available on record cannot be said to disclose a case where continuation of investigation would amount to abuse of the process of law. The allegations and the material collected during investigation *prima facie* disclose cognizable offences. The questions concerning the precise nature of individual transactions, the role attributable to each accused, applicability of particular penal provisions and sufficiency of the material to establish their ingredients are matters which cannot appropriately be subjected to a detailed evidentiary examination while exercising jurisdiction under Section 528 BNSS at the stage when investigation is in progress.

**29.** It is equally well settled that the FIR is not expected to contain an exhaustive account of the prosecution case and the investigating agency must ordinarily be permitted to investigate the allegations and collect evidence. This Court, while exercising inherent jurisdiction, cannot conduct a mini-trial or undertake a meticulous appreciation of the material with a view to determine whether the allegations would ultimately result in conviction.

**30.** In view of the foregoing discussion, this Court finds that the present FIR cannot, at this stage, be termed an impermissible second FIR relating to the same transaction merely because the material leading to its registration surfaced during investigation of the earlier FIR. The material on record prima facie discloses allegations of a substantially wider and distinct nature requiring investigation.

**31.** It is clarified that the observations made herein are only for deciding the present petition for quashing of the FIR and shall not be treated as a final finding regarding the applicability of any particular penal provision, including Section 111 BNS. The investigating agency and the Court concerned shall consider the applicability of the relevant provisions in accordance with law and on the basis of the material collected during investigation, without being influenced by the observations made in this order.

**32.** Consequently, no case for exercise of inherent jurisdiction under Section 528 BNSS for quashing FIR No.46/2025 is made out.

**33.** Accordingly, the Criminal Miscellaneous Petition is dismissed.

**34.** All pending applications, if any, also stand disposed of.

**(BALJINDER SINGH SANDHU),J)**

229-231-/Hanuman Ram/365